

AMENDED IN ASSEMBLY APRIL 2, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 397

Introduced by Assembly Member Fox
(Coauthor: Senator Price)

February 15, 2013

An act to add Section 9956 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL’S DIGEST

AB 397, as amended, Fox. Vehicles: emergency contact locator database.

(1) Existing law imposes specified requirements on manufacturers of motor vehicles sold or leased in this state. A violation of the Vehicle Code is a crime.

This bill would enact the ~~“Gilani Taylor Emergency Contact Locator Act of 2012”~~ *California Motor Vehicle Emergency Contact Locator Act of 2013* and would define the term “VIN# ECON database” as the national law enforcement vehicle identification number emergency contact locator database that may be established by this state, in conjunction with other states and law enforcement agencies.

This bill would require a motor vehicle manufacturer of a new motor vehicle sold or leased in this state on or after January 2, 2014, with a 2014 model year or later to provide a means by which a purchaser or lessee of a new motor vehicle can voluntarily designate at the original retail point of sale an emergency contact to be stored in the VIN# ECON database. The bill would require the emergency contact information to be made available electronically only to authorized law enforcement and would require law enforcement personnel, when practicable, to expeditiously notify the registered owner’s emergency contact, if a

vehicle occupant is rendered unable to communicate due to physical injury, thereby imposing a state-mandated local program by imposing new duties upon local agencies.

The bill would also require a manufacturer of a new motor vehicle sold or leased in this state to establish a public awareness campaign, including listing access to the VIN# ECON database as a standard equipment specification on the new vehicle original window sticker. Since a violation of the bill's requirements would be a crime, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) In 2009 more than 3,000 people in California died as a result
- 4 of car crashes, one person killed every two and one-half hours and
- 5 about one person injured every two minutes.
- 6 (b) Each year more than 241,873 people are injured in crashes
- 7 and collisions and about 4.9 percent of these are serious,
- 8 life-altering injuries.
- 9 (c) Contrary to popular belief, law enforcement does not have
- 10 immediate access to family contact information or next-of-kin data
- 11 following a car crash involving individuals who are unconscious
- 12 or unable to communicate,—as *and*, typically, on-scene law
- 13 enforcement resort to searching personal belongings, such as a
- 14 wallet, driver's license, glove compartment, or cell phone for leads
- 15 to the identity of a family member or next of kin.
- 16 (d) Meanwhile, hours elapse as family members are not notified
- 17 and crash victims enter the emergency health care system without

1 the benefit of family members to advocate on their behalf or
2 provide added-value information to enhance the medical care of
3 crash victims, as there is a national average of six hours' lack of
4 notice for in-state incidents and over two days' lack of notice for
5 out-of-state incidents.

6 (e) In 2008, a policy resolution entitled "Federated VIN#
7 Emergency Contact Registry (ECON) Initiative" was adopted by
8 the American Association of State Highway and Transportation
9 Officials' Standing Committee on Highway Traffic Safety
10 Subcommittee on Safety Management, with the support and
11 assistance of the Healthcare Information Technology Standards
12 Panel, the International Association of Chiefs of Police, the
13 International Association of Fire Chiefs, the National Association
14 of State EMS Officials, the International Association of
15 Public-Safety Communications Officials, and the Governors
16 Highway Safety Association.

17 (f) This policy resolution encourages states and automotive
18 manufacturers to collaborate and cooperate on the development
19 and deployment of a federated vehicle identification number
20 emergency contact registry, which is also known as VIN# ECON,
21 thereby improving postcrash care and survivability for crash
22 victims on our nation's roadways.

23 (g) A purchaser or lessee of a new motor vehicle in this state
24 should have the right to voluntarily designate at the original retail
25 point of sale an emergency contact to be stored in a national law
26 enforcement vehicle identification number emergency contact
27 locator (VIN# ECON) database to be utilized by law enforcement
28 if the motor vehicle is involved in an accident or other emergency
29 situation rendering the occupant unconscious or otherwise unable
30 to communicate with the contact person or persons.

31 (h) This act will assist law enforcement in expeditiously
32 notifying a designated emergency contact when the motor vehicle
33 is involved in an accident or other emergency situation rendering
34 the occupant unconscious or otherwise unable to communicate
35 with the contact person or persons.

36 SEC. 2. Section 9956 is added to the Vehicle Code, to read:

37 9956. (a) This section may be known and cited as the "~~Gilani~~
38 ~~Taylor Emergency Contact Locator Act of 2013.~~" *California Motor*
39 *Vehicle Emergency Contact Locator Act of 2013.*

1 (b) For purposes of this section, “VIN# ECON database” means
2 the national law enforcement vehicle identification number
3 emergency contact locator database that may be established by
4 this state, in conjunction with other states and law enforcement
5 agencies.

6 (c) This section applies only to vehicles sold or leased in this
7 state on or after January 2, 2014, with a 2014 model year or later.

8 (d) (1) A motor vehicle manufacturer of a new motor vehicle
9 sold or leased in this state shall provide a means by which a
10 purchaser or lessee of a new motor vehicle can voluntarily
11 designate at original retail point of sale an emergency contact to
12 be stored in a VIN# ECON database that may be utilized by law
13 enforcement if the motor vehicle is involved in an accident or other
14 emergency situation rendering the occupant unconscious or
15 otherwise unable to communicate with the contact person or
16 persons. For purposes of this section, the emergency contact person
17 is not required to be the purchaser’s or lessee’s next of kin.

18 (2) The emergency contact information stored in the national
19 law enforcement emergency contact locator database pursuant to
20 this section shall be made available electronically only to
21 authorized law enforcement.

22 (3) If a vehicle occupant is rendered unable to communicate
23 due to physical injury, law enforcement personnel shall, when
24 practicable, expeditiously notify the registered owner’s emergency
25 contact.

26 (4) Neither the law enforcement officer nor the law enforcement
27 agency that employs that law enforcement officer shall incur any
28 liability if the law enforcement officer is not able to make contact
29 with the designated emergency contact person.

30 (e) (1) A motor vehicle manufacturer shall make a good faith
31 effort to collect accurate data as provided by the purchaser or lessee
32 at the original retail point of sale and to provide that information
33 to the VIN# ECON database.

34 (2) The motor vehicle manufacturer is not liable for any
35 damages, costs, or expenses, including, but not limited to,
36 consequential damages, arising or resulting from any inaccurate
37 data or system unavailability.

38 (f) A manufacturer of a new motor vehicle sold or leased in this
39 state shall establish a public awareness campaign to educate new
40 vehicle purchasers or lessees of the importance of submitting the

1 name and phone number of an emergency contact to the VIN#
2 ECON database. The manufacturer may establish this public
3 awareness campaign individually or in conjunction with other
4 manufacturers. This public awareness campaign shall include, but
5 is not limited to, listing access to the VIN# ECON database as a
6 standard equipment specification on the new vehicle original
7 window sticker.

8 SEC. 3. No reimbursement is required by this act pursuant to
9 Section 6 of Article XIII B of the California Constitution for certain
10 costs that may be incurred by a local agency or school district
11 because, in that regard, this act creates a new crime or infraction,
12 eliminates a crime or infraction, or changes the penalty for a crime
13 or infraction, within the meaning of Section 17556 of the
14 Government Code, or changes the definition of a crime within the
15 meaning of Section 6 of Article XIII B of the California
16 Constitution.

17 However, if the Commission on State Mandates determines that
18 this act contains other costs mandated by the state, reimbursement
19 to local agencies and school districts for those costs shall be made
20 pursuant to Part 7 (commencing with Section 17500) of Division
21 4 of Title 2 of the Government Code.